Application No.: 09/518,034 Docket No.: Y1929.0070/P070

## REMARKS

Claims 1-41 are pending in this application. Claims 1 and 26 stand rejected. Applicants wish to thank the Examiner for the indication of allowance of claims 2-25 and 27-41. By this Amendment, claim 1 has been amended. The amendment made to claim 1 do not alter the scope of this claims, nor has this amendment been made to define over the prior art. Rather, the amendment to the claim has been made for cosmetic reasons to improve the form thereof. In light of the amendments and remarks set forth below, Applicants respectfully submit that each of the pending claims is in immediate condition for allowance.

Claims 1 and 26 stand rejected under 35 U.S.C. § 112 for failing to particularly point out and distinctly claim the subject matter of the invention. Claims 1 previously recited "said approved spectrum signals." This limitation has been amended to be "approved spectrum signals." As such, Applicants respectfully submit that claim 1 is in condition allowance and Applicants request that the Examiner withdraw the rejection to claim 1 under 35 U.S.C. § 112.

Claim 26 depends from, and contains all the limitations of claim 1. This dependent claim also recites additional limitations which, in combination with the limitations of claim 1, are neither disclosed nor suggested by the cited references and is also believed to be directed towards the patentable subject matter. Thus, claim 26 should also be allowed.

Application No.: 09/518,034 Docket No.: Y1929.0070/P070

Applicants have responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: June 18, 2004

Respectfully suffmitted,

Ian R Blum

Registration No.: 42,336

DICKSTEIN SHAPIRO MORIN &

OSHINSKY LLP

1177 Avenue of the Americas

New York, New York 10036-2714

(212) 835-1400

Attorney for Applicant

IRB/mgs